

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/cor. Goucher Boulevard * DEPUTY ZONING COMMISSIONER
and Putty Hill Avenue * OF BALTIMORE COUNTY
(800 Goucher Boulevard) *
9th Election District * Case No. 88-324-A
4th Councilmanic District *
Exxon Company, USA *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit the replacement of an existing non-conforming 184 sq.ft. identification sign and pole with a new 158.16 sq.ft. identification sign, in lieu of the permitted 100 sq.ft. total for both sides, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Charles Vaughn, Construction and Maintenance Engineer with Exxon Company, USA, appeared, testified and was represented by Counsel. Also appearing on behalf of the Petition was David Wang, an Engineer with Frederick Ward & Associates. Mary Ginn with the Alliance of Baltimore County Community Councils (ABCC), appeared and testified as a Protester.

Testimony indicated that Exxon is in the process of changing their signs nationwide to modernize them and insure uniformity across the country. Mr. Vaughn testified that at the subject location they propose reducing the present non-conforming sign of 184 sq.ft. to a sign of 158.16 sq.ft., plus or minus. He indicated that due to the location of the site at the corner of Goucher Boulevard and Putty Hill Avenue it is his opinion that the sign as depicted on Petitioner's Exhibit 1 is an appropriate sign. Mr. Vaughn and Mr. Wang testified that a smaller sign would not provide adequate opportunity for vehicular traffic to locate the site in time to permit them to safely enter the station as there is a median on Goucher Boulevard.

Mary Ginn on behalf of the ABC's stated that as a matter of policy, they are opposed to any variances to the Baltimore County sign regulations. Further

in this case, she disputed the necessity for the size of the proposed sign. The Petitioner seeks relief from Section 413.2F, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 29 (1974).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

-2-

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14 day of March, 1988 that the replacement of an existing non-conforming 184 sq.ft. identification sign and pole with a new 158.16 sq.ft. (total for both sides) identification sign, in lieu of the permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AM24bjs

ORDER RECEIVED FOR FILING
FILED
By *John J. Williams*

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive week, the first publication appearing on Jan 28, 1988.

TOWSON TIMES,

Susan L. D. ...
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on February 19, 1988 at 11:00 a.m.
Case number: 88-324-A
Petitioner: Exxon Company, U.S.A.
DATE/TIME: Friday, February 19, 1988 at 11:00 a.m.
FOR SHOW DATE CALL 494-3333
Witness to show the replacement of an existing non-conforming 184 sq. ft. I.D. sign and pole with a new 158.16 sq. ft. I.D. sign in lieu of the permitted 100 sq. ft. total for both sides.
In the event that the Petition is granted, a hearing permit may be issued on the property identified below on the day of the hearing. The permit shall be valid for a period of 30 days from the date of the hearing. The permit shall be used for the purpose of erecting and maintaining the sign as shown on the plans submitted to the Zoning Commission. The permit shall be returned to the Zoning Commission at the time of the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan 28, 1988.

THE JEFFERSONIAN,

Susan L. D. ...
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on February 19, 1988 at 11:00 a.m.
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 4/29/88
Posted for: Variance
Petitioner: Exxon Company, U.S.A.
Location of property: NW/cor. Goucher Blvd. & Putty Hill Ave.
Location of Sign: 800 Goucher Blvd.
Remarks: See above for details.
Posted by: John J. Williams Date of return: 4/29/88
Number of Signs: 2

March 18, 1988

Anthony J. DiPaola, Esquire
Covahay & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/cor. Goucher Boulevard and Putty Hill Avenue
(800 Goucher Boulevard)
9th Election District, 4th Councilmanic District
Case No. 88-324-A

Dear Mr. DiPaola:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AM24bjs

Enclosures

cc: Mr. David Wang
Frederick Ward & Associates
5 S. Main Street, Bel Air, Md. 21014

Ms. Mary Ginn
606 Horncrest Rd., Towson, Md. 21204

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2F to allow the replacement of an existing non-conforming 184 sq. ft. I.D. sign and pole with a new 158.16 sq. ft. I.D. sign in lieu of the allowed 100 sq. ft. total for both sides.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2F to allow the replacement of an existing non-conforming 184 sq. ft. I.D. sign and pole with a new 158.16 sq. ft. I.D. sign in lieu of the allowed 100 sq. ft. total for both sides.

1. The variance is necessary for effective advertising.
2. The variance is necessary for compliance with Baltimore County Zoning Regulations.
3. The variance is necessary for compliance with State laws.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	Attorney for Petitioner:
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney's Telephone No.:	Attorney's Telephone No.:
Address	Address

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of Mar, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of Feb, 1988, at 11 o'clock A.M.

Robert Haines
Zoning Commissioner of Baltimore County.
(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. David Wang
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014

RE: Case number: 88-324-A
NW/cor Goucher Blvd. & Putty Hill Avenue
(800 Goucher Blvd.)
9th Election District - 4th Councilmanic District
Petitioner: Exxon Company, U.S.A.

Dear Mr. Wang:

Please be advised that 114.67 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 4/29/88 ACCOUNT: 494-3333

AMOUNT: \$ 114.67

RECEIVED FROM: John J. Williams

FOR: Advertising and Posting

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-324-A
NW/cor Goucher Blvd. & Putty Hill Avenue
(800 Goucher Blvd.)
9th Election District - 4th Councilmanic District
Petitioner: Exxon Company, U.S.A.
DATE/TIME: FRIDAY, FEBRUARY 19, 1988 at 11:00 a.m.

Variance to allow the replacement of an existing non-conforming 184 sq. ft. I. D. sign and pole with a new 1.8.16 sq. ft. I. D. sign in lieu of the allowed 100 sq. ft. total for both sides.

BALTIMORE COUNTY, MARYLAND No. 45641
OFFICE OF FINANCE - TAX DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1/18/87 ACCOUNT: 01.615.000

AMOUNT: \$ 100.00

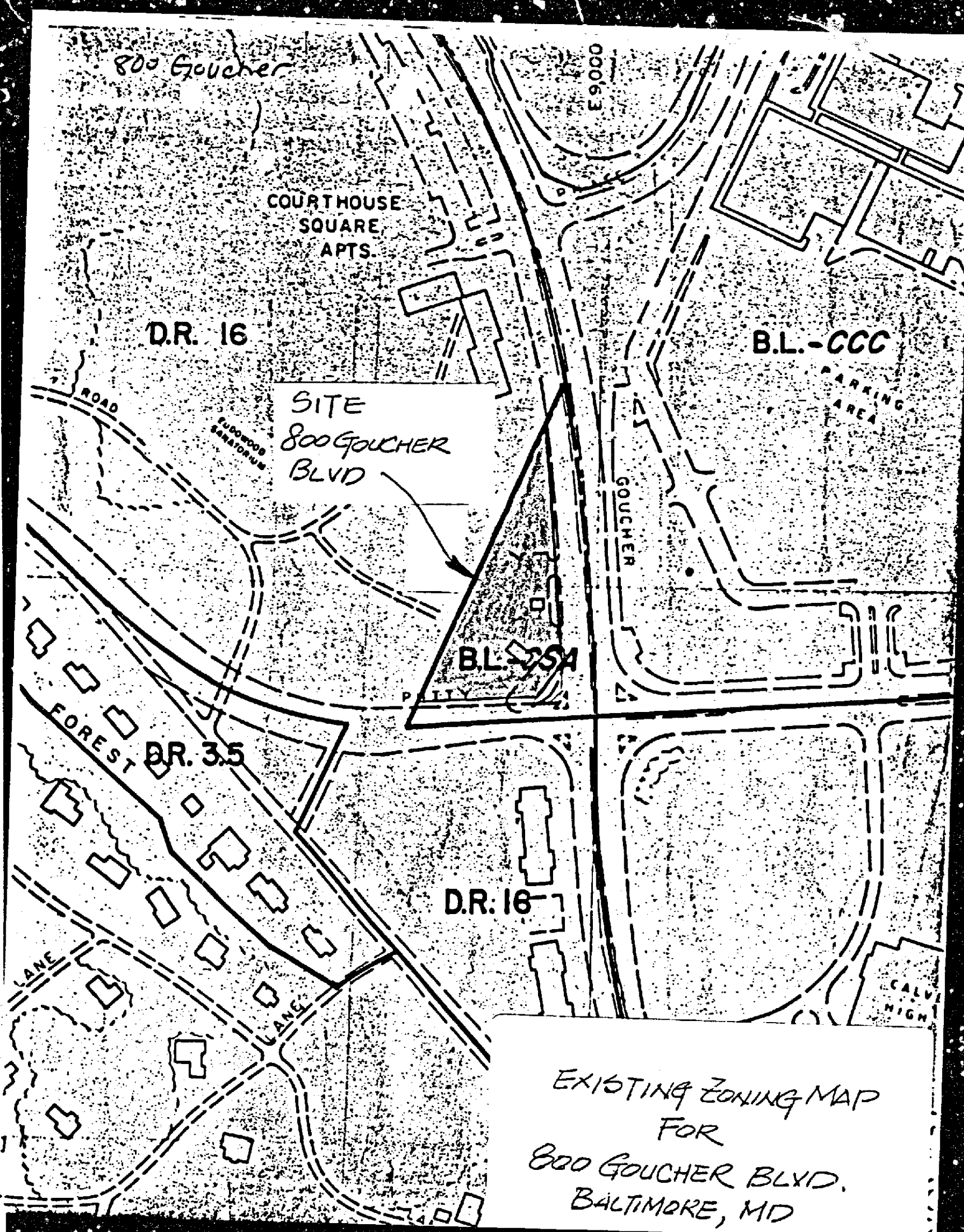
RECEIVED FROM: Frederick Ward

FOR: Vn #174

B C13*****1307612 20167

VALIDATION OF SIGNATURE OF CASHIER

Permit may be issued within
per will, however, entertain
during this period for good
in this office by the date



88-324-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
23rd day of November, 1987.

J. Robert Haines
Zoning Commissioner

Petitioner: Exxon Company, U.S.A.
Petitioner's: Mr. Thomas DuPlessis
Project Engineer

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

December 2, 1987



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 169, 170, 171, 172, 173, 174, 175, and 176.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:ab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Thomas DuPlessis
Project Engineer
11350 McCormick Road
Hunt Valley, Maryland 21031

RE: Item No. 174 - Case No. 88-324-A
Petitioner: Exxon Company, U.S.A.
Petition for Zoning Variance

Dear Mr. DuPlessis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

Chairman

Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: David Wang
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To: Zoning Commissioner

Date: January 14, 1988

FROM: P. David Fields
Director of Planning and Zoning

SUBJECT: Zoning Petition Nos. 88-320-A, 88-321-A, 88-322-A, 88-323-A, 88-324-A

Zoning Petition Nos. 88-320-A, 88-321-A, 88-322-A, 88-323-A and 88-324-A are all variances for replacement signs at existing stations. Although no particular sight distant problems exist, the proposed signs are for square footages of approximately 158, 128, 196, 158 and 158, respectively. This office fails to see the need for the excess sign areas and recommends that all of the replacement signs be approximately 128 square feet in total area. Therefore, this office is supportive of the granting of petition number 88-321-A, but is opposed to the granting of the remainder.

Finally, this office opposes the 0' setback request for two parking spaces of petition number 88-321-A.

P. David Fields per J. H. Howell
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
814 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

February 26, 1988

EDWARD C. COVAHEY JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DI PAULA

Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
110 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCES
NW/COR. GOUCHER BOULEVARD AND
PUTTY HILL AVENUE
(8900 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT -
4TH COUNCILMANIC DISTRICT
PETITIONER: EXXON COMPANY, U.S.A.
CASE NO.: 88-324-A

Dear Mrs. Nastarowicz:

Pursuant to your request for confirmation of ownership, I am advised that of the four (4) locations which were the subject of hearings on February 19, this is the only site which is not in fact owned by Exxon but is instead leased under an extended lease. I am further advised that under the rather lengthy Lease Agreement there are provisions granting the tenant the absolute right to make any alterations or improvements to the property that it may desire and that the landlord approves same in advance. It is my understanding that the actual owner of the property is The Swarthmore Company.

I trust the information contained herein is sufficient, and on behalf of the Petitioner, your cooperation and understanding are greatly appreciated.

Very truly yours,

Anthony J. DiPaola

AJD/jab

RECEIVED
MAR 1 1988
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4300

Paul H. Reincke
Chief

November 24, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Exxon Company, USA

Location: NW/cor Goucher Blvd., and Putty Hill Avenue

Item No.: 174

Zoning Agenda: Meeting of 11/17/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/31

Ann M. Nastarowicz
Deputy Zoning Commissioner
February 26, 1988
Page 2

cc: Mary Ginn
The Alliance of Baltimore County
Community Councils, Inc.

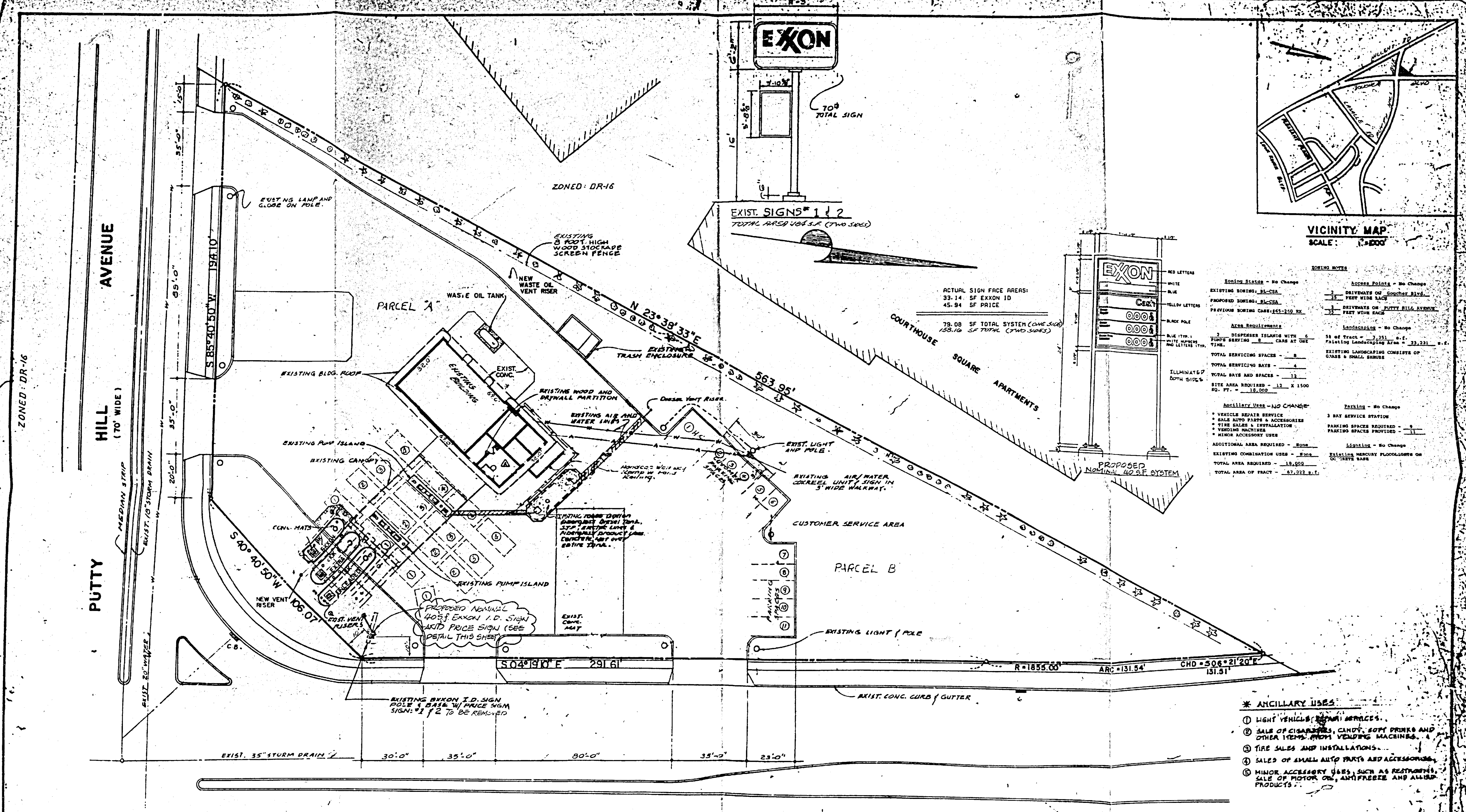
David Stein
Liberty Communities Development Corp., Inc.

Charles Vaughan
Exxon Company, U.S.A.

David S. Wang
Frederick Ward & Assoc.

John M. Celentano, Pres.
Hernwood Heights Community Assoc., Inc.

Renew, Inc.



VICINITY MAP
SCALE: 1"=200'

ZONING NOTES	
Zoning Status - No Change	Access Points - No Change
EXISTING ZONING, BL-CC	2 DRIVEWAYS ON GOUCHER BLVD.
PROPOSED ZONING, BL-CC	35 FEET WIDE SLACK
PREVIOUS ZONING CASES 155-210 BY	1 DRIVEWAYS ON PUTTY HILL AVENUE
	35 FEET WIDE SLACK
Area Requirements	Landscaping - No Change
2 DISPENSER ISLANDS WITH 6 PUMPS SERVING 8 CARS AT ONE TIME.	50 sq. Tract = 7,351 s.f.
TOTAL SERVICING SPACES - 8	Existing Landscaping Area = 23,231 s.f.
TOTAL SERVICING BAYS - 4	EXISTING LANDSCAPING CONSISTS OF GRASS & SMALL SHRUBS
TOTAL BAYS AND SPACES - 12	
SITE AREA REQUIRED - 12 X 1500 SQ. FT. = 18,000	
Ancillary Uses - No Change	Parking - No Change
• VEHICLE REPAIR SERVICE	3 BAY SERVICE STATION
• SALE AUTO PARTS & ACCESSORIES	PARKING SPACES REQUIRED - 9
• TIRE SALES & INSTALLATION	PARKING SPACES PROVIDED - 11
• VENDING MACHINES	
• MINOR ACCESSORY USES	Lighting - No Change
ADDITIONAL AREA REQUIRED - None	EXISTING MERCURY FLOODLIGHTS ON 30' TALL POLES
EXISTING COMBINATION USES - None	
TOTAL AREA REQUIRED - 18,000	
TOTAL AREA OF TRACT - 67,322 s.f.	

- * ANCILLARY USES**
- ① LIGHT VEHICLES, SERVICE.
 - ② SALE OF CIGARETTES, CANDY, SOFT DRINKS AND OTHER ITEMS FROM VENDING MACHINES.
 - ③ TIRE SALES AND INSTALLATIONS.
 - ④ SALES OF SMALL AUTO PARTS AND ACCESSORIES.
 - ⑤ MINOR ACCESSORY USES, SUCH AS RESTROOMS, SALE OF MOTOR OIL, AIR FILTERS AND AIRLINE PRODUCTS.

PETITIONER'S
EXHIBIT 1